

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

SCOTT ALAN ODAM,

Petitioner,

v.

GREG ABBOTT, et al.,

Respondents.

CIVIL ACTION NO.
5:14-CV-00154-C

QUESTIONNAIRE

INSTRUCTIONS: You must answer the following questions completely. You must place your answers on the questionnaire and if you do not have enough space to give a complete answer, you may attach additional 8 1/2" x 11" sheets to this questionnaire. Do not cite to any law or make any legal arguments in your answers. **Do not state that the question has been answered in your pleading or refer to your pleadings.**

On this date, Plaintiff, under penalties of perjury, provides the following answers and information required by the Court.

(1) Are you currently incarcerated? *No*

(2) Are you complaining about your arrest(s) for an expired registration, expired motor vehicle inspection, driving while license is invalid, an expired operator's license, and speeding? *Yes - Also a purported failure of a promise to appear (3 Separate Causes of Action Combined)*
If your answer is "yes," please provide the following information:

- (a) The date(s) of your arrest(s) *(1) - 1-4-11 (2011-466,341,343) - Constructive*
(2) - 2-11-12 (11-137,680) - Constructive
(2) - 11-14-12 - Actual Arrest
(3) - 3-9-14 (13-78898) - Constructive
- (b) The location(s) of the arrest(s) *(1) - Lubbock County (HWY 82/82)*
(2) - Lubbock Municipal (Loop 28)
(3) - Lubbock Municipal (Indians)
- (c) The name(s) of the person(s) that arrested you *(1) - J. Shinn (Constructive)*
(2) - Chappa (Constructive) - Actual arrest (unknown)
(3) - officer unknown - Court is requiring physical presence or fax to request that information.
- (d) The reason(s) for your arrest(s) *request that information.*

(1)(3) Purported Traffic violations - (Constructive)

(2) Promise failure to appear (Actual) - however, I have evidence that the case had been dropped by agreement with the Court, & it is in the Court record - there is no promise to appear - also the Court requested to a -

Letter that there was a misunderstanding & disagreement - however the Letter (by me) clearly stated that I was out of town & therefore the court was aware that I would not receive their notice of trial & held it in

(3) Were you incarcerated following the arrest(s)? Yes # (2)

my absence -
or without Notice
to me. Continued

If your answer is "yes," please provide the following information:

(a) Where were you incarcerated? Lubbock County Detention Center

(b) How long were you incarcerated? 3 days

(4) Were criminal charges filed against you? yes

If your answer is "yes," please provide the following information:

(a) List the charges that were filed, the name of the court that the charges were filed in, and any cause numbers that were assigned to the charges

(2) - Capias pro fine warrant - (failure to appear) Lubbock Municipal Court - Cause # 11-137,680 - stemming from traffic charge

(1) - JP & County Court (2011-466,341 & 343) Criminal speeding & w/o plates.

(3) - Municipal (11-137680) Criminal failure to register, No D.L., No Inspection.

(b) Was an attorney appointed to represent you in the criminal case(s)?

No

(5) Did you plead guilty in any case(s) listed above? No

(a) If your answer is "yes," please provide the case number(s) and the date(s) on which you pleaded guilty

(b) If your answer is "no," please provide the case number(s) and the dates of any court or trial setting(s) Plead No Contest only on the failure to appear under advisement, due to another legal issue. - However, the court never had actual jurisdiction.

(c) If you went to trial on any of the cases listed above, please state the date(s) you went to trial, the court number(s), the name(s) of the presiding judge(s), the

See attached addendum

When arriving home & learning of the trial held in absence the court was put on notice of the problem & asked to correct it, the response was to have me arrested.

name(s) of the prosecuting attorney(s), whether the trial(s) was/were before a jury or a judge, the outcome of the trial (e.g., guilty or not guilty), and any sentence(s) imposed (e.g., fines or incarceration)

5? (6) Did you file an appeal following your conviction(s) in the case(s) listed in paragraph 5? **Yes**

If your answer is "yes," please state when you filed the appeal(s), which court(s) you filed the appeal(s) in, the date(s) the appellate court(s) rendered decision(s), and the decision(s) (e.g., affirmed, remanded, reversed, etc.)

See Addendum.

(7) Did you file a state application for writ of habeas corpus in any of the case(s) listed in paragraph 5? **No**

If your answer is "yes," please state when you filed the application(s), which court(s) you filed the application(s) in, the date(s) the state habeas court(s) rendered decision(s), and the decision(s) (e.g., affirmed, remanded, reversed, etc.)

(8) Do you have any criminal charges still pending? **Yes**

If your answer is "yes," explain what charges are still pending and provide the name and location of the court where the charges are pending

Lubbock Municipal Court, Criminal failure to register, inspect & NO D.L.

(9) Are you seeking to have any of the convictions listed in questions 4 and 5 overturned? **Yes**

If your answer is "yes," list the charge, the case number, the date of the conviction, the name and location of the court, and the sentence in each conviction

See Addendum

(10) Why are you suing Greg Abbott? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As he represents the State, he is a required party.

(11) Why are you suing Mark Hocker? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As judge, he improperly denied motions, due process, Administrative hearings & held a mock trial without Jurisdiction in the County Court.

(12) Why are you suing Aurora Hernandez? You must provide specific information regarding how, when, and where she allegedly violated your constitutional rights.

Same as # (11) above in the J.P. Court.

(13) Why are you suing Tom Brummett? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As Prosecution for the State, he certified false charges in the County Court.

(14) Why are you suing R. Clay Kimbrough? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As Prosecution he certified the charges for in the J.P. Court.

(15) Why are you suing J. Shinn? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

He issued fraudulent legal process, starting this issue thru an unlawful traffic stop.

(16) Why are you suing Knesbitt? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

He also issued simulated legal process in an unlawful traffic stop, initiating one of the issues.

(17) Why are you suing Robert Doty? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As Judge he was informed of the states lack of jurisdiction & is proceeding unlawfully in the municipal issue.

(18) Why are you suing John Grace? You must provide specific information regarding how, when, and where he allegedly violated your constitutional rights.

As prosecutor, he has improperly certified false charges. & is going forward with fraudulent prosecution.

(19) Why are you suing the Texas Department of Public Safety? You must provide specific information regarding how, when, and where the Department allegedly violated your constitutional rights.

the T.D.P.S. is responsible for training their officers & have failed in their duty.

(20) Why are you suing the State of Texas? You must provide specific information regarding how, when, and where the State allegedly violated your constitutional rights.

As the charges against me are made on behalf of the State, the State is responsible. responsible.

(21) Why are you suing the City of Lubbock? You must provide specific information regarding how, when, and where the City allegedly violated your constitutional rights.

As the City of Lubbock is bringing charges thru their agents, they are a responsible party.

(22) Are you suing anyone not listed above? No

If your answer is "yes," you must provide the name of the person or entity and provide specific information regarding how, when, and where the person or entity allegedly violated your constitutional rights.

(23) If you are not incarcerated and have no sentence of incarceration left to serve, why do you believe that you are "in custody" for purposes of filing a petition for writ of habeas corpus? Be specific.

I am in "Constructive Custody" as defined by Penal Code, I am required to show up to trial, pay fines or have paid fines (under protest), & therefore my Liberty is restrained.

(24) Are you seeking monetary damages? *yes*

If your answer is "yes," provide the name of the defendant(s), the amount(s) of damages, and the reason(s) you believe that you are entitled to monetary damages

Robert Doty & the City of Lubbock for \$75,000.00, as Notice was provided that I did not have Notice of trial - sent 3 Letters. When I returned & became aware of warrant - a warning was given & Notice of error that if the error wasn't corrected that I was arrested - that they understood & agreed to pay \$25,000 per day for arrest. (3 days total) - their response to me was sent

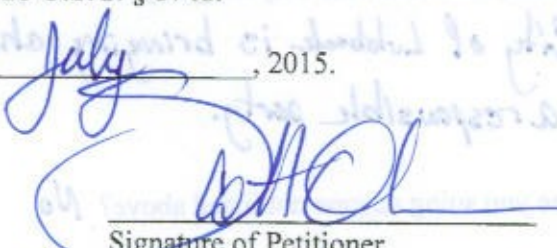
Seeking injuction on futher or future harrasment.

(26) What do you want this Court to do for you? You must be specific.

Drop all charges by the State & municipal entities, reimburse all monies currently paid under protest, & injunct from future pains & penalties. as per my requested relief in pleadings

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. 28 U.S.C. § 1746.

Signed this 17 day of July, 2015.


Signature of Petitioner

ADDENDUM TO QUESTIONNAIRE

Response to question # (5)(C):

Cause # 2011-246,728 & 729

Justice of The Peace - Aurora Hernandez Presiding

Trial Date - 6-1-11

Clay R. Kimbrough - Prosecutor

Jury Trial - Guilty

Fine imposed

(However, jurisdictional issue was not allowed to be addressed - Judge overruled objection to jurisdictional question, on the grounds that I could appeal).

Appeal of the previous case above -

Cause # 2011-466, 341& 343

County Court at Law #1 - Mark Hocker Presiding

Trial Date - 2-7-12

Tom Brummett - Prosecutor

Clay R. Kimbrough - Assistant Prosecutor

Jury Trial - Guilty

Fine imposed

(However, It was not my intention or request to have a jury trial, we were scheduled for a preliminary hearing to rule on my motions. Motions were overruled, without cause or reason (finding of fact & conclusions at law not responded to), and Judge said that he had preserved a jury trial. The record was preserved that the court was without jurisdiction and a mock trial was held. All appearances were special and of a jurisdictional nature).

Cause # 11-137,680

Lubbock Municipal Court - Robert Doty Presiding

Trial Date 2-11-12

John Grace - Prosecutor

Trial held in abstentia without notice - Issued Warrant for Failure to Appear

(However, no notice was given of trial and when I was made aware of the trial, the court was notified of the error, and it is evidenced on record that I was not given notice of the court date, but the court responded by having me arrested after being informed of the error).

Response to question # 6: Appeal

Cause # 2011-466, 341 & 343

Filed a Mandamus in 72nd State District Court on 7/8/14 - Denied for lack of jurisdiction

Filed in 7th Court of Appeals in Amarillo on 7/30/14 - Denied for lack of a statutory fee paid to court.

Filed in Supreme Court of Texas on 8/14/14 - Denied for a lack of a statutory fee paid to court.

Filed this Habeas in Federal District Court on 9/10/14.

Cause # 11-137,680

Filed this Habeas within 30 days of summons from Municipal Court on 9/10/14.

Response to question # 9: Overturning Convictions

Yes I want the following convictions overturned:

Cause # 2011-466, 341 & 343 - Operating a Motor Vehicle that was Unregistered or without plates & Speeding (\$922.50 paid under protest and threat of arrest).

Cause # 11-137,680 - Speeding, Expired Drivers License, Expired Registration, No MVI.

Answer to question 24:

Additional response - Robert Doty & the City of Lubbock, responded to my letters to the court clarifying that my beliefs were in error, however, the court sent them to an address that they knew that I was not there and held trial on a day that they were notified that I was out of town. Further the arrest was for a failure of a promise to appear and there is no promise to appear on the record and I was never served with a charging instrument, even though one was requested **5 times**. At a physical request for the file, I was further told that there was no file (charging instrument) created until trial was scheduled. Also seeking an additional \$10,000 for time and expenses as agreed to by the court.